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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,414	07/01/2003	Shinji Takayanagi	0505-1207P	9457
2292	7590	03/01/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			CULBRETH, ERIC D	
		ART UNIT	PAPER NUMBER	
		3616		

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/609,414	TAKAYANAGI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Eric Culbreth	3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 December 2005.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 9 is/are allowed.  
 6) Claim(s) 1-8 and 10-15 is/are rejected.  
 7) Claim(s) 16-20 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 December 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8, 10 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 1, lines 11-12, it is inaccurate to recite the shock absorber as provided between the left and right suspension arms and the vehicle body frame (shock absorber 76 is not attached to the frame or between the frame and arms). It is recommended that in lines 11-12 "and the vehicle body frame" be deleted.

b. In claims 5 and 15, it is not clear what part of the disclosed invention is the relay member is nor the stopper rubbers mounted to the main body so as to be brought into contact with the lower surface of a center upper frame of the motortricycle. It is noted that terms and phrases used in the claims must find clear antecedent basis in the specification (37 CFR 1.75(a)).

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3616

4. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasidescu et al US006851691B2 (newly cited) in view of Morita et al US004836324 (of record).

Rasidescu et al discloses a vehicle body frame support structure comprising left and right suspension arms 202, 204 respectively swingably mounted to the vehicle frame 100, rear wheels which would be mounted at 122A 124A on outer portions of the left and right suspension arms, and an oscillation mechanism 210 permitting leftward and rightward oscillation of the vehicle body frame relative to the suspension arms, the oscillation mechanism being provided between the suspension arms and frame. An engine is attached to input shaft 114 for driving the wheels. The oscillation mechanism 210 is mounted to the vehicle body frame in a position above a rearward extending portion of L-shaped pipe 102, 106 (note at the rear of frame members 104 and 102 that they are hollow and hence pipes). Morita et al discloses an engine 2 mounted on the frame 6. it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rasidescu et al to include the engine mounted on the frame as taught by Morita et al in order to conventionally support the engine (claim 11). Regarding claim 12, the engine is supported on the frame through a rubber mount 18. Regarding claim 13 the engine is supported on the frame through links 14, 15 with different lengths. Regarding claim 14, Rasidescu et al's frame 100 surrounds the front and rear sides and upper and lower sides of the engine in the combination, with at least a rear portion R of Rasidescu et al's frame comprised of a single pipe.

***Allowable Subject Matter***

5. Claims 5 and 15 are so indefinite that no determination could be made as to their patentability.
6. Claim 9 is allowed.
7. Claims 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 2-4, 6-8 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
9. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

10. Applicant's arguments with respect to claims 11-14 have been considered but are moot in view of the new ground(s) of rejection.

***Information Disclosure Statement***

11. Applicant's remarks filed 12/19/05 state that in Information Disclosure Statement is included with this amendment (see page 11). However, no IDS was found in the electronic file.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

Art Unit: 3616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Culbreth  
Primary Examiner  
Art Unit 3616

ec

Approved  
EC

2/25/06

REPLACEMENT SHEET  
FIG. 8A

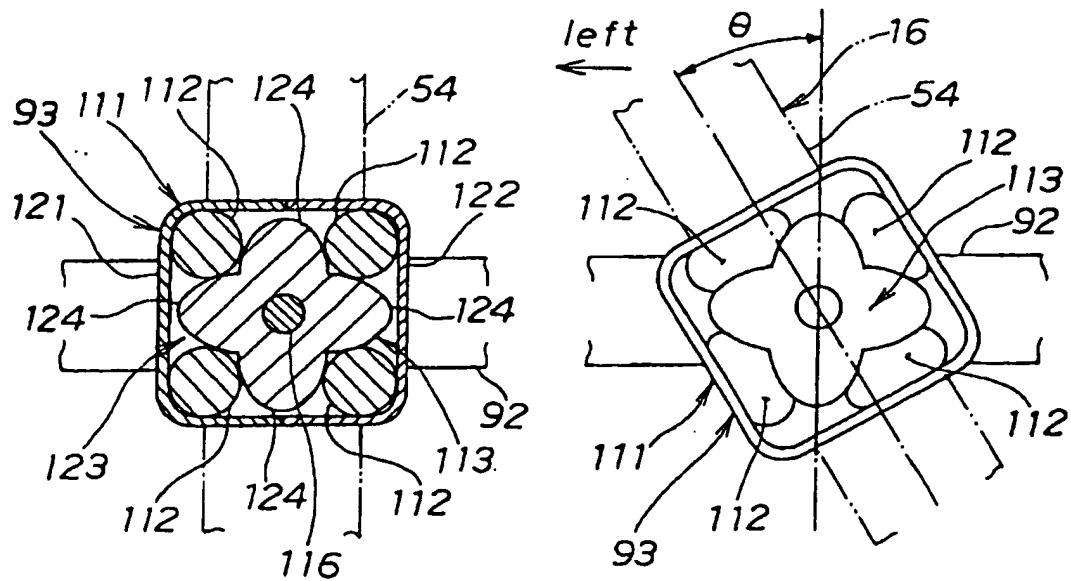
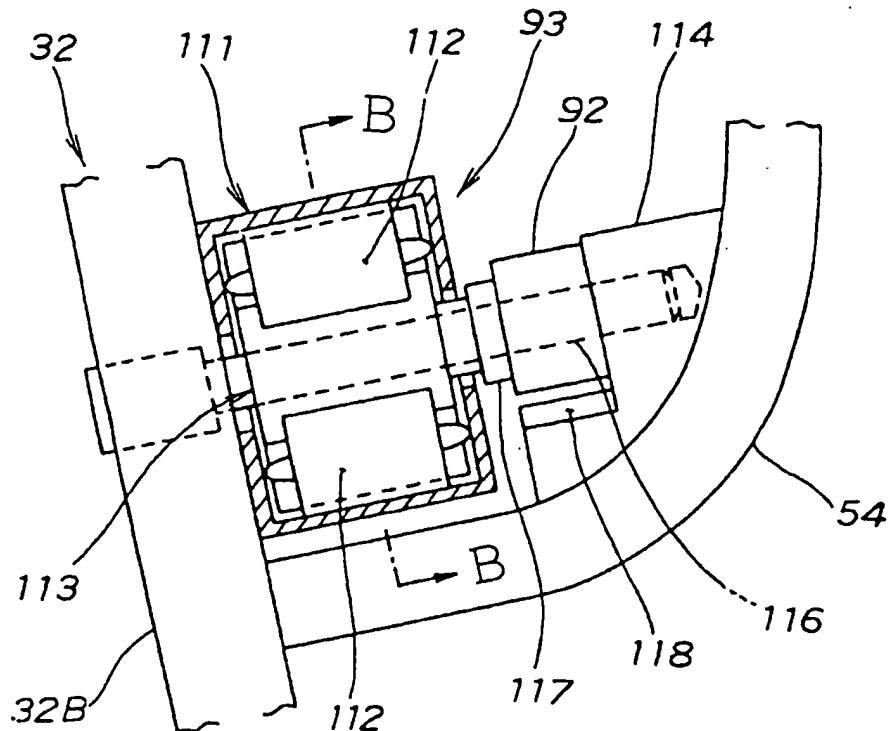


FIG. 8B

FIG. 8C